

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOHN W. LANGLEY,

Plaintiff,

vs.

Civ. No. 23-745 JB/KRS

MARTIN O'MALLEY,  
Commissioner of Social Security,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR EAJA FEES**

THIS MATTER is before the Court on Plaintiff's Motion for Equal Access to Justice Act Award of Attorney's Fees and Costs, (Doc. 32), filed June 22, 2024. Plaintiff asks the Court for an award of attorney's fees under the Equal Access to Justice Act in the amount of \$6,115.50. Plaintiff refers to two exhibits – a copy of the fee agreement and a declaration of time and costs. (Doc. 32) at 1-2 (referring to Exhibits 1 and 2). Neither exhibit is attached to the Motion. In response to the Motion, Defendant's counsel states she contacted Plaintiff's counsel by email and phone regarding the missing exhibits but did not receive a response. (Doc. 33) at 1-2. Defendant is unable to take a position on the Motion without having the opportunity to review the supporting documentation Plaintiff references. *Id.* at 2. Considering Plaintiff failed to attach the exhibits referenced in the Motion, the Court denies the Motion without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Equal Access to Justice Act Award of Attorney's Fees and Costs, (Doc. 32), is DENIED without prejudice. Plaintiff may refile the Motion with the referenced supporting exhibits.

IT IS SO ORDERED.



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KEVIN R. SWEAZE  
UNITED STATES MAGISTRATE JUDGE